

KIRBY McINERNEY & SQUIRE, LLP

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IRVING MALCHMAN, OF COUNSEL

VIA E-FILING

September 30, 2004

Clerk of the Court
United States District Court for the District of Massachusetts
Suite 2300
John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, Massachusetts 02210

Re: *County of Suffolk v. Abbott Laboratories, Inc., et al.*
(MDL. 1456)(E.D.N.Y. Case No. CV-030229)
No. 01-CV-12257-PBS

Dear Sir or Madam:

Per this Court's Order entered June 17, 2004 enclosed for filing in the above-captioned matter please find the status report for Suffolk County.

Sincerely,



Aaron Hovan

Enclosures
cc: All Parties

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

THIS DOCUMENT RELATES TO:

County of Suffolk v. Abbott Laboratories, Inc., et al.,
E.D.N.Y. Case No. CV-03-229

MDL. NO. 1456

Civil Action No. 01-CV-12257- PBS

Judge Patti Saris

SUFFOLK COUNTY'S STATUS REPORT

The undersigned counsel for Suffolk County hereby submits the attached status report to the Court in accordance with the Court's June 17th Procedural Order.

Date: September 30, 2004
New York, New York

KIRBY McINERNEY & SQUIRE, LLP

By: /s/ Joanne M. Cicala
Joanne M. Cicala
Aaron D. Hovan

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COUNSEL FOR THE COUNTY OF SUFFOLK

MDL 1456 Status Report

County of Suffolk v. Abbott Laboratories, Inc., et al. 03cv10643-PBS, E.D.N.Y.

• **Motion to Dismiss *sub judice***

- Hearing on December 13, 2004
- Amicus brief in opposition to defendants' motion to dismiss rebate claims on grounds of preemption filed by Secretary of Health and Human Services ("HHS") on March 18, 2004.
- Defendants' response to HHS Amicus Brief filed April 9, 2004.
- HHS Amicus Reply filed April 23, 2004.
- Defendants' notice of supplemental authority filed June 14, 2004.
- Suffolk County's response to defendants' notice of supplemental authority filed June 18, 2004

• **Motion respecting coordinated discovery**

- Suffolk County's motion respecting coordinated discovery and the role of liaison counsel filed April 27, 2004.
- Response of liaison counsel to Suffolk County's motion filed May 11, 2004.
- Suffolk County's reply filed May 24, 2004.
- Plaintiff and Liaison counsels' Motion to file a sur- reply in opposition to Suffolk's reply and accompanying Surreply memorandum filed May 26, 2004.
- Memorandum of Bristol-Myers Squibb Company in response to the motion of County of Suffolk addressing the role of liaison counsel for all plaintiffs, filed May 28, 2004.
- Response of Liaison Counsel to Bristol-Myers Squibb Memorandum addressing the role of liaison counsel filed May 28, 2004.

Certificate of Service

I certify that on September 30, 2004 a true and correct copy of the foregoing September 30, 2004 Status Report was served on all Counsel of Record by electronic service pursuant to Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

/s/ Aaron D. Hovan

Aaron D. Hovan